



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re applications of:

Karen L. Fincher *et al.*

Appln. No.: 09/637,086

Filed: August 11, 2000

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 38-21(51375)B

For: Nucleic Acid Molecules and Other Molecules Associated with Plants

Assistant Commissioner for Patents
Washington, DC 20231

Certificate of Mailing

I hereby certify that this substitute compact disc (CD-R) containing the sequence listing of the above referenced application is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington DC 20231

on February 7, 2001.

Jian S. Zhou (Reg. No. 41,422)

(Printed name of person signing this certificate)

Jian S. Zhou

(Signature)



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**Response to Notice to Comply with Requirements for Patent Applications containing
Nucleotide Sequence and/or Amino Acid Sequence Disclosure**

Assistant Commissioner for Patents
Washington, DC 20231

Box Patent Application

Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
2. Copy of receipt postcard filed on August 11, 2000, with Patent and Trademark Office date-stamp of August 11, 2000;
3. Copy of Petition under 37 C.F.R. §1.183, filed on August 11, 2000;
4. A substitute compact disc (CD-R) containing the sequence listing of the above identified application;
5. A Statement under 37 C.F.R. § 1.821(g); and
6. Certificates of Mailing for this Response and the above-listed documents (from 1 through 5).

The Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, stated that the above-identified patent application failed to comply with the requirement of 37 C.F.R. §§1.821(c).


Applicants respectfully submit that a petition under 37 C.F.R. §1.183 and M.P.E.P. §1002.02(c)2 to waive this requirement. In the petition to the Commissioner, filed on August 11, 2000, Applicants requested suspension of the non-statutory requirement for a paper copy of Sequence Listing under 37 C.F.R. §1.821(c), and further requested that the computer-readable form of the Sequence Listing filed in the above referenced application be considered as the official Sequence Listing. Receipt of this submission is clearly noted on the enclosed copy of the return-receipt postcard containing the PTO date-stamp of August 11, 2000. Applicants are submitting, however, for your convenience, a copy of the petition under 37 CFR §1.183, which was filed on August 11, 2000.

The Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, also stated that the above-identified patent application failed to comply with the requirements of 37 C.F.R. §§1.822 - 1.823.

In order to comply with the requirements of 37 C.F.R. §§1.822 - 1.823, Applicants are submitting a substitute copy of the sequence listing in computer readable form and a statement under 37 C.F.R. §1.821(g). The sequence listing on the substitute compact disc (CD-R) was checked with the United States Patent Office Checker software, version 3.0, in an attempt to recognize any possible errors before submission. No error was detected.

In the event that extensions of time are necessary to prevent abandonment of the above-identified patent application, then such extensions of time are hereby petitioned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 13-4125.

Respectfully submitted,


Jian S. Zhou
(Reg. No. 41,422)

Date: February 7, 2001

Patent Department, E2NA Monsanto Company
800 N. Lindbergh Blvd.
St. Louis, MO 63167
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FAX: 314-694-1671

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEApplicants: Karen L. FINCHER *et al.*

Art Unit: To Be Assigned

Serial No.: To Be Assigned

Examiner: To Be Assigned

Filing Date: August 11, 2000

Title: Nucleic Acid Molecules and Other Molecules Associated with Plants

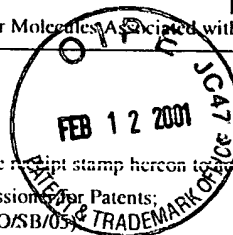
Assistant Commissioner for Patents
Washington, DC 20231

Attn: Box Patent Application

Sir:

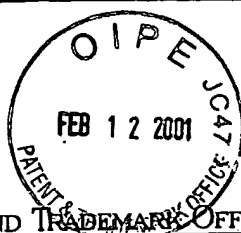
Please place the U.S. Patent & Trademark Office receipt stamp hereon to acknowledge receipt of the following.

1. Transmittal Letter to the Assistant Commissioner for Patents;
2. Utility Patent Application Transmittal (PTO/SB/05);
3. Form PTO-1082 (in duplicate);
4. U.S. Utility Patent Application (consisting of 100 pages of description prior to the claims; 2 pages of claims (9 claims); and a 1 page abstract);
5. A CD-ROM containing the sequence listing;
6. Petition to Suspend Sequence Rules (in duplicate);
7. Combined Decl'n and Power of Atty., executed by inventor Karen L. Fincher (4 pp.);
8. Combined Decl'n and Power of Atty., executed by inventor Thomas J. La Rosa (4 pp.);
9. Combined Decl'n and Power of Atty., executed by inventor David W. McCarter (4 pp.);
10. Combined Decl'n and Power of Atty., executed by inventor Julie R. Pear (4 pp.);
11. Information Disclosure Statement;
12. Form PTO-1449 (1 page), with 8 accompanying documents; and
13. Two (2) return postcards.



Return file to: Kathi Moore (411A)

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/637,086	08/11/2000	Karen L. Fincher	38-21(51375)B

Lawrence M Lavin Jr Esq
Monsanto Company
Patent Department E2NA
800 N Lindbergh Blvd
St Louis, MO 63167

FORMALITIES LETTER



OC000000005653759

Date Mailed: 01/04/2001

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):
 - This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
 - A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-1123
- For CRF Submission Help, call (703) 308-4212
- PatentIn Software Program Support
 - - For Technical Assistance, call (703) 287-0200
 - - To Purchase PatentIn Software, call (703) 306-2600

*A copy of this notice **MUST** be returned with the reply.*

L. J. Robinson

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

